

April 27, 2022

VIA ECF

Hon. Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Sabby Volatility Warrant Master Fund Ltd. et al v. Kiromic Biopharma, Inc. et al*
(SDNY Case No. 1:22-cv-01927 (JGK))

Dear Judge Furman:

We write on behalf of Sabby Volatility Warrant Master Fund Ltd., Empery Asset Master, Ltd., Empery Tax Efficient, LP, and Empery Tax Efficient III, LP (“Plaintiffs”) and Defendants Kiromic Biopharma, Inc., Gianluca Rotino, and Pietro Bersani to request an extension in the deadline for Defendants Kiromic Biopharma, Inc., Gianluca Rotino, and Pietro Bersani to respond to the Complaint.

The complaint in this action was filed on March 7, 2022. There has been one extension in the date for Defendants to respond to the Complaint. On April 1, 2022, this Court extended the deadline for all Defendants to respond to the Complaint to April 29, 2022. The parties next scheduled appearance before the Court is the July 14, 2022 Initial Pretrial Conference.

Kiromic Biopharma, Inc., Gianluca Rotino, and Pietro Bersani accept and will not contest service of the summons and complaint. In exchange, we request that the Court grant an extension to June 30, 2022 in the deadline to respond to the complaint for Defendants Kiromic Biopharma, Inc., Gianluca Rotino, and Pietro Bersani. The agreement and proposed extension helps avoid motion practice relating to service of process issues.

Counsel for Kiromic Biopharma, Inc., Gianluca Rotino, and Pietro Bersani acknowledge receipt of the Notice of Pretrial Conference and the Court’s Individual Rules and Practices, pursuant to the Court’s April 1, 2022 Order (Dkt. No. 35).

April 27, 2022

Page 2

Respectfully Submitted,

/s/ Thomas J. Fleming

Thomas J. Fleming
Olshan Frome Wolosky LLP
1325 Avenue of the Americas
New York, NY 10019
212-451-2300
Email: tfleming@olshanlaw.com

Attorneys for Plaintiffs

/s/ William Michael Regan

William Michael Regan
Hogan Lovells US LLP (NYC)
390 Madison Ave.
New York, NY 10017
212-918-3000
william.regan@hoganlovells.com

***Attorneys for Defendants Kiromic
Biopharma, Inc., Gianluca Rotino, and
Pietro Bersani***

cc: all counsel of record (via ECF)